

ESTTA Tracking number: **ESTTA109621**

Filing date: **11/15/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Unomedical A/S (formerly Maersk Medical A/S)		
Entity	Corporation	Citizenship	Denmark
Address	Kongevej 2 Birkerød, DK-3460 DENMARK		

Attorney information	B. Brett Heavner Finnegan Henderson Farbow Garrett & Dunner 901 New York Avenue, N.W. Washington, DC 20001 UNITED STATES b.brett.heavner@finnegan.com Phone:202-408-4073
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### Registration Subject to Cancellation

Registration No	3071419	Registration date	03/21/2006
Registrant	Applied Diabetes Research, Inc. 1740 South IH-35, Suite 112 Carrollton, TX 75006 UNITED STATES		
Goods/Services Subject to Cancellation	Class 010. First Use: 2004/06/30 , First Use In Commerce: 2004/06/30 Goods/Services: Infusion sets for subcutaneous infusion of therapeutic fluids to patients		

Attachments	Petition for Cancellation.PDF ( 3 pages )(112305 bytes )
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Signature	//B. Brett Heavner//
Name	B. Brett Heavner
Date	11/15/2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Unomedical A/S	)	
(formerly Maersk Medical A/S),	)	
Petitioner,	)	Cancellation No.: _____
	)	Reg. No. 3,071,419
v.	)	Mark: THINSET (and Design)
	)	Registered: March 21, 2006
Applied Diabetes Research, Inc.,	)	
Registrant.	)	

**PETITION FOR CANCELLATION**

Unomedical A/S (formerly Maersk Medical A/S) ("Petitioner"), a Danish corporation located and doing business at Kongevejen 2, DK-3460 Birkerød Denmark, believes that it is, or will be, damaged by Registration No. 3,071,419 for the mark THINSET and Design covering "infusion sets for subcutaneous infusion of therapeutic fluids to patients" in Class 10, owned by Applied Diabetes Research, Inc., a Texas corporation located and residing at 1420 Valwood Parkway, Suite 160, Carrollton, Texas ("Registrant"), and hereby petitions to cancel same.

As grounds for the cancellation, and based on information and belief, Petitioner alleges that:

1. Registrant is the owner of Registration No. 3,071,419 for the mark THINSET covering "infusion sets for subcutaneous infusion therapeutic fluids to a patient". Registrant filed its application on December 30, 2002, alleging a first use of the THINSET mark of June 30, 2004.

2. Petitioner is the owner of Registration No. 2,715,451 for the mark INSET covering “infusion set for use in connection with insulin pump treatment of diabetics” issued on May 13, 2003, claiming a foreign priority date of March 25, 2002 under the Paris Convention. Petitioner’s priority date is prior to Registrant’s filing date and alleged first use date.

3. Registration No. 2,715,451 is valid and subsisting, and Petitioner is currently using the INSET mark in the United States for the goods listed in its registration.

4. The goods and services set forth in Registration No. 3,071,419 are competitive with or closely related to Petitioner’s goods marketed under the INSET mark and listed in Registration No. 2,715,451.

5. The THINSET mark fully encompasses Petitioner’s INSET mark and presents a similar overall commercial impression to Petitioner’s INSET mark.

6. In view of the similarities between the parties’ marks, Registrant’s mark, as applied to the goods listed in Registration No. 3,071,419 so resembles Petitioner’s registered INSET mark that it is likely to cause confusion or to cause mistake, or to deceive in violation of the Lanham Act (15 U.S.C. § 1052(d)).

7. If Registrant is permitted to maintain its registration for the THINSET mark for the goods listed in Registration No. 3,071,419, such registration would be a source of damage and injury to Petitioner.

Wherefore, Petitioner prays Registration No. 3,071,419 be cancelled and that this Petition be sustained in favor of Petitioner.

If the filing fee is found to be insufficient for any reason, please charge the deficiency to Deposit Account No. 06-0916.

Respectfully submitted,

Dated: November 15, 2006

By: 

B. Brett Heavner  
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Unomedical A/S

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